

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROGER GUYTON,

Petitioner,

No. CIV S-05-0436 DFL DAD P

vs.

M. McKNOWLES, et al.,

Respondents.

ORDER

Petitioner has requested an extension of time to file objections to the May 25, 2005 order and findings and recommendations or to “Amend Habeas proceeding into a Writ of Mandate, thus to either file a 42 U.S.C. § 1983, pursuant to Id. at Rule 142.”

The court has provided petitioner with a civil rights complaint form and advised him that if he seeks to challenge unconstitutional conditions of confinement he may present such claims in a civil rights action brought pursuant to 42 U.S.C. § 1983. Petitioner has been advised that any civil rights complaint he chooses to file must be submitted for filing as a new action. Petitioner may not amend his habeas petition by filing a civil rights complaint or any other pleading that concerns conditions of confinement.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's June 1, 2005 motion for extension of time is granted; and

2. Petitioner shall file any objections to the May 25, 2005 findings and recommendations on or before July 5, 2005.

DATED: June 8, 2005.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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